

11/22/05

18:30

DAVIS MUNCK → 915712736500

NO. 220

003

DOCKET NO. P04756  
CLIENT NO. NATH15-04756  
CUSTOMER NO. 23990

PATENT & TRADEMARK  
OFFICE

7/5/2005 11:31

US PATENT & TRADEMARK  
OFFICE

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Peter J. Sallaway, et al  
U.S. Serial No. : 09/751,037  
Filed : December 29, 2000  
For : SYSTEMS FOR MONITORING AND CONTROLLING  
OPERATING MODES IN AN ETHERNET TRANSCEIVER AND  
METHODS OF OPERATING THE SAME  
Group No. : 2661  
Examiner : Ian N. Moore

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## MAIL STOP 16

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND

Applicant hereby files this Request for Refund in the amount of \$500.00 for the overpayment charged to Davis Munck Deposit Account No. 50-0208 on November 22, 2005. A copy of the Deposit Account Statement dated November 2005 is attached.

On August 29, 2005, Applicant mailed an Appeal Brief with a request that the \$500.00 fee be charged to Davis Munck Deposit Account No. 50-0208. On, September 2, 2005, the \$500.00 fee was charged to the Deposit Account. A copy of the Deposit Account Statement dated September 2005 is attached.

ATTORNEY DOCKET NO. P04756 (NATT15-04756)  
U.S. SERIAL NO. 09/751,037  
PATENT

On November 16, 2005, Applicant submitted a Substitute Appeal Brief in response to the Notice of Non-Compliant Appeal Brief dated October 18, 2005. Since the appeal brief fee had already been paid, the filing of the Substitute Appeal Brief should not have incurred another fee.

Please issue a credit in the amount of \$500.00 to Davis Munck Deposit Account No. 50-0208 for this overpayment.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date:

Nov. 22, 2005



William A. Munck  
Registration No. 39,308

P.O. Drawer 800889  
Dallas, Texas 75380  
Tel: (972) 628-3600  
Fax: (972) 628-3616  
E-mail: [wmunck@davismunck.com](mailto:wmunck@davismunck.com)

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## Deposit Account Statement

NO. 220 D05

Page 1 of 2



United States  
Patent and  
Trademark Office

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## Deposit Account Statement

Requested Statement Month:

September 2005

Deposit Account Number:

500208

Name:

DAVIS MUNCK

Attention:

JOHN T MOCKLER

Address:

900 THREE GALLERIA TOWER

City:

DALLAS

State:

TX

Zip:

75240

Country:

UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BA
09/02	6	09751037	P04758	1402	\$500.00	\$6
09/02	248	28224490	4848-00325	8007	\$180.00	\$6
09/02	249	28224431	4848-00323	8007	\$180.00	\$6
09/02	409	PCT/US04/10744	JUDD01-00004	1705	\$11.00	\$6
09/06	11	10827184	00-C-016D1 (STM101-00087)	1201	\$400.00	\$6
09/06	433	78706457	RFMI01-00264	7001	\$325.00	\$5
09/07	372	78707411	RFMI01-00278	7001	\$325.00	\$5
09/07	385	11058920		8021	\$40.00	\$5
09/07	406	11124917		8021	\$40.00	\$6
09/14	239	78712004	RFMI01-00279	7001	\$325.00	\$4
09/15	227	10933897		8021	\$40.00	\$4
09/15	228	10933898		8021	\$40.00	\$4
09/15	1512	78713493	ENTE02-00002	7001	\$325.00	\$4
09/16	157	09414590	0090344	1201	-\$258.00	\$4
09/19	14	11031674		9204	-\$400.00	\$4
09/19	25	PCT/US05/31600	COMP09-00014	1602	\$700.00	\$4
09/19	103	75474160	SAMS02-00020	7004	\$150.00	\$4
09/26	796	10605938		8021	\$40.00	\$4
09/26	797	10710322		8021	\$40.00	\$4
09/26	798	6783519		8021	\$40.00	\$4
09/26	1844	76503651	TRUL01-00004	7004	\$150.00	\$3
09/28	1	09386282	85773-155	1811	\$100.00	\$3

START

SUM OF

SUM OF

END

Deposit Account Statement

Page 2 of 2

BALANCE	CHARGES	REPLENISH BALANCE
\$7,055.00	\$3,951.00	\$658.00 \$3,762.00

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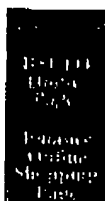
## Deposit Account Statement

Page 1 of 1



**United States  
Patent and  
Trademark Office**

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Deposit Account Statement

Requested Statement Month: November 2005  
 Deposit Account Number: 500208  
 Name: DAVIS MUNCK  
 Attention: JOHN T MOCKLER  
 Address: 900 THREE GALLERIA TOWER  
 City: DALLAS  
 State: TX  
 Zip: 75240  
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
11/01	43	6939132	IZ-200210-001	1482	\$270.00	\$6,103.00
11/01	62	09839457	WEST14-00022	1501	\$370.00	\$5,733.00
11/01	64	09839457	WEST14-00022	1504	\$300.00	\$5,433.00
11/01	65	09839457	WEST14-00022	8001	\$30.00	\$5,403.00
11/04	6	09543906	3384.0352-01	1811	\$100.00	\$5,303.00
11/04	17	09570331	P04722	1201	-\$86.00	\$5,389.00
11/04	276	2980497	KIDK01-00021	8503	\$15.00	\$5,374.00
11/08	32	10684010	P05876	1202	-\$100.00	\$5,474.00
11/16	8	60627759	P06153	8007	\$60.00	\$5,414.00
11/16	9	11044748	P06153	8007	\$60.00	\$5,354.00
11/18	106	09414590	0090344	1202	-\$828.00	\$6,182.00
11/18	107	09414590	0090344	1201	\$258.00	\$5,924.00
11/18	108	09414590	0090344	1202	\$72.00	\$5,852.00
11/22	39	0158870211	KOSS01-00010	8014	\$25.00	\$5,827.00
11/22	105	09751037	P04756	1402	\$500.00	\$5,327.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$6,373.00	\$2,060.00	\$1,014.00	\$5,327.00

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11/22/05

18:30

DAVIS MUNCK → 915712736500

NO.220 002

PATENT

DOCKET NO. P04756  
CLIENT NO. NATIIS-04756  
CUSTOMER NO. 23990

PATENT

2005 NOV 22 PM 3:10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Peter J. Sallaway, et al

U.S. Serial No. : 09/751,037

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Filed : December 29, 2000

For : SYSTEMS FOR MONITORING AND CONTROLLING  
OPERATING MODES IN AN ETHERNET TRANSCEIVER AND  
METHODS OF OPERATING THE SAME

Group No. : 2661

Examiner : Ian N. Moore

MAIL STOP 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION BY FACSIMILE

Sir:

The undersigned hereby certifies that the following documents:

1. Request for Refund; and
2. Copies of September, 2005 and November, 2005 Deposit Account Statements

relating to the above application was faxed to (571-273-6500) on November 22, 2005.

Date: Nov 22, 2005

Faxer

Date: Nov 22, 2005

William A. Munck  
William A. Munck  
Reg. No. 39,308

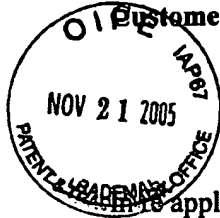
P.O. Drawer 800889  
Dallas, Texas 75380  
Phone: (972) 628-3600  
Fax: (972) 628-3616  
E-mail: [wmunck@davismunck.com](mailto:wmunck@davismunck.com)

APB  
JPW

DOCKET NO. P04756 (NATI15-04756)

PATENT

Customer No. 23990



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Peter J. Sallaway, et al.

Serial No.: 09/751,037

Filed: December 29, 2000

For: SYSTEMS FOR MONITORING AND CONTROLLING  
OPERATING MODES IN AN ETHERNET TRANSCEIVER AND  
METHODS OF OPERATING THE SAME

Group No.: 2661

Examiner: Ian N. Moore

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MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

11/22/2005 DTESSEM1 00000078 500208 09751037

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SUBSTITUTE APPEAL BRIEF

In response to the Notice of Non-Compliant Appeal Brief dated October 18, 2005, the Appellants respectfully submit this Substitute Appeal Brief.

The Appellants have appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner dated March 28, 2005, finally rejecting Claims 1-38. The Appellants filed a Notice of Appeal on June 28, 2005, which was received by the U.S. Patent and Trademark Office on July 1, 2005. The Appellants respectfully submit this brief on appeal with the appropriate statutory fee.

Adjustment Date: 12/20/2005 SDIRETA1  
11/22/2005 DTESSEM1 00000078 500208 09751037  
01 FC:1402 500.00 CR